IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.6421 of 2007

Date of Decision: December 13, 2007

Chandu Lal .....Petitioner

Versus

Bhagwan Dass & others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.HC Arora, Advocate for the petitioner.

S. D. ANAND, J.

1. The learned Trial Court allowed the plaintiff-respondents to amend the plaint so as to incorporate an averment in the course thereof that the impugned dispossession had taken place during the pendency of the suit.

2. Learned counsel for the petitioner argues that the averment made by the plaintiff-respondents is factually incorrect inasmuch as they were not in possession even at the time of the filing of suit and they are trying to cover up the lacuna under the garb of the impugned amendment plea.

3. As correctly observed by the learned Trial Court, the impugned amendment had been occasioned on account of an averment that the alleged dispossession had taken place during the pendency of the suit. Obviously, the correctness or otherwise of the averment shall have to be adjudicated

upon by the learned Trial Court on the basis of the substantive evidence, which would be adduced by the parties at the trial.

4. In the light of the foregoing discussion, the petition shall stand dismissed. It will be obviously for the learned Trial Court to record a finding on factual front with regard to the correctness or otherwise of averment made by the plaintiff-respondents that they had been dispossessed during the pendency of the litigation.

(S. D. ANAND)
JUDGE

December 13, 2007
SRM

Note: Whether referred to reporter ? Yes/No